

Chapter No. 47

10/SS26/A410SG

JN / SD/PT

SENATE BILL NO. 3145

Originated in Senate

General W. Hughes

Secretary

SENATE BILL NO. 3145

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR FISCAL YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to defray the expenses of the Mississippi Development Authority for the fiscal year beginning July 1, 2010, and ending June 30, 2011
..... \$ 21,646,565.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Development Authority or the appropriate special fund for the purpose of defraying the expenses incurred in the operation of the various divisions of the authority for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$1,382,165,172.00.

SECTION 3. Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 22,016,105.00.

FUNDING:

General Funds	\$ 21,646,565.00
Special Funds	<u>1,382,165,172.00</u>
Total	\$ 1,403,811,737.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	258
	Part Time	4
Time-Limited:	Full Time	70

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional

certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 4. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

<u>Performance Measures</u>	FY11 <u>Target</u>
S. B. No. 3145 10/SS26/A410SG Page 3	

Global Business

National Recruitment Contacts (Actions)	1,500
International Investment	
Contracts (Actions)	800
International Trade Contacts (Actions)	2,000
Qualified National Prospects (Prospects)	225

Minority & Small Business Dev

Minority & Small Business	
Contacts (Contacts)	11,500
Minority Business	
Certifications (Actions)	225

Financial Resources

Request for Financing or	
Incentives (Actions)	300

Existing Industry & Business

Interactions with Interstate	
Businesses (Actions)	3,400
Number of Qualified Contacts	2,000
PriorityOne Survey/Industry Visitation	924

Energy

BTUs Saved (Units in Trillions)	71.67
Clients Served (Entities)	34,650

Community Services

Amount of Grants Awarded (\$)	65,000,000.00
Grants & Loans Awarded (Items)	220

Tourism

Number of Tourist Inquires Generated	3,610,454
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Welcome Centers

Tourist Registered (Persons)	2,929,000
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A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

SECTION 5. Of the funds appropriated in Section 2, the amount of Six Hundred Thousand Dollars (\$600,000.00) shall be provided from the Mississippi Department of Transportation to defray the expenses of the Mississippi Development Authority in operating the state welcome centers as follows:

Welcome Centers	\$ 450,000.00
Woodville Welcome Center	\$ 150,000.00

It is the intent of the Legislature that the Mississippi Department of Transportation shall provide funds for the operation of the Woodville Welcome Center. Mississippi Department of Transportation shall provide these funds upon completion of the Center, if the Center is not completed during Fiscal Year 2011, Mississippi Department of Transportation will not provide these additional funds in Fiscal Year 2011. However, the funds will be required for each subsequent year of operation.

SECTION 6. The acceptance and expenditure of funds, and interest on such funds, received from, or by virtue of consent or other orders of or agreements involving any agency, instrumentality, or judicial tribunal of any state or the United States for petroleum price compliance and allocation which may become available during the fiscal year for the support of the Mississippi Development Authority or any programs sponsored under the terms of the receipt of these funds are hereby authorized not to exceed Two Million Dollars (\$2,000,000.00) and approved, provided such receipts and expenditures are reported and otherwise accounted for in accordance with Section 27-103-101 et seq., and Section 27-104-1 et seq., Mississippi Code of 1972.

SECTION 7. It is the intention of the Legislature that the Mississippi Development Authority is hereby authorized to escalate, budget and expend funds from any source not to exceed Five Million Dollars (\$5,000,000.00) in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 8. It is the intention of the Legislature that the Mississippi Development Authority shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 9. Of the funds appropriated in Sections 1 and 2, the amount of Six Million Four Hundred Sixty-two Thousand Dollars (\$6,462,000.00), or so much thereof as may be necessary, is provided for the purpose of supporting Mississippi Tourism Advertising and Promotion for Fiscal Year 2011, and shall not be expended for any type of cultural exchange program. The expenditure of funds authorized in this section shall be exempt from Section 25-9-120, Mississippi Code of 1972.

SECTION 10. Of the funds appropriated in Sections 1 and 2, the amount of One Million Five Hundred Sixty-seven Thousand Dollars (\$1,567,000.00), or so much thereof as may be necessary, is provided for the purpose of supporting, marketing, and facilitating Mississippi business growth. The expenditure of funds authorized in this section shall be exempt from Section 25-9-120, Mississippi Code of 1972.

SECTION 11. It is the intention of the Legislature that none of the funds appropriated above shall be expended unless members of the Mississippi House of Representatives and Mississippi Senate are notified at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement or ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or

any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature."

SECTION 12. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 13. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure, will observe the following criteria:

- (a) Develop goals and desired result for a campaign.
- (b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.
- (c) Seek public service announcements, which would be aired by media without cost.
- (d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.
- (e) Utilize Mississippi-owned media companies when feasible.

SECTION 14. The Mississippi Development Authority shall provide a quarterly update on all Disaster Recovery Programs funded through the Community Development Block Grant funds to the Chairmen of the House and Senate Appropriations and all members of the Legislature who represent the coastal Counties of Harrison,

Hancock, Jackson, Pearl River, George, and Stone. The Authority shall provide summary information on each program that will include up-to-date timelines for the programs and allocations of the funds.

SECTION 15. It is the intention of the Legislature that the Mississippi Development Authority shall submit a notification of any escalation of Community Development Block Grant funds received for Hurricane Katrina disaster recovery to the Chairman of Appropriations in the House and Senate and the Legislative Budget Office.

SECTION 16. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 17. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such

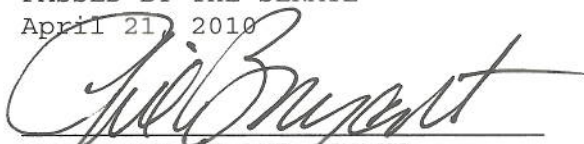
approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 18. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 19. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

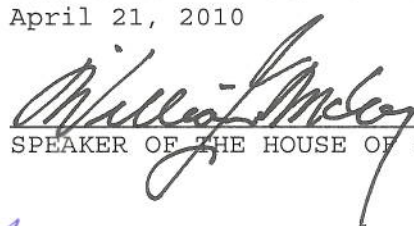
SECTION 20. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
April 21, 2010



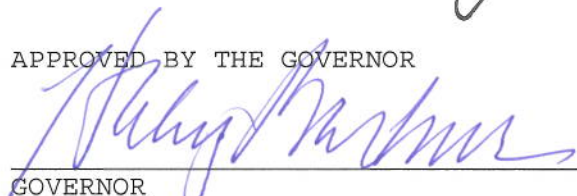
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 21, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

5/13/10 9:57 am